

COPYRIGHT NOTICES

This fact sheet explains copyright notices and disclaimers, and how to use them to best effect in protecting your work.

What is a copyright notice? A copyright notice is a piece of text which accompanies a work and expresses the rights and wishes of the copyright owner(s).

Do I need a copyright notice? It is strongly recommended that you include one on your work. A copyright notice will announce that copyright exists in the work, make it clear who is the copyright owner, deter would be infringers, and prevent ignorance being used as a defence in disputes. By having a copyright notice you are helping yourself to prevent infringement occurring.

Where should the notice be placed? The rule to adopt is to ensure that anyone with access to your work is aware of the copyright. If your work can be broken up into several pieces, then the notice should appear on each part. If it would normally be viewed as a whole, then one will suffice.

If you are writing a book, you should only need one inside the front cover. Leaflets, commercial documents etc. should have one on each item. Web pages should have one on every page. In the music industry, one is placed on the CD, cassette or LP itself, and one is included on the accompanying sleeve or booklet. Photographs and designs will have one at the bottom of the work. Manuscripts: if the work is still in the development stages you may choose to have one on every page of a manuscript, however, one on the front will normally suffice. Include the copyright of any images, excerpts etc. that you have used which are not your own. Ensure that you obtain permission before you use anyone else's work.

What does a copyright notice consist of?

'COPYRIGHT' - Some countries will not accept the copyright symbol and also require the word 'copyright' to appear in order to consider the notice valid. '©' is the normally recognised copyright symbol. Most countries across the world accept this as the correct manner of displaying copyright.

YEAR OF PUBLICATION - In case of a dispute of ownership of a work, the date plays an important part. If your work was developed and published before any potential opponents, then you can usually expect to win any case which challenges your rights. In the case of work which is continually updated (for example a website), the year of publication can be shown as a period from first publication until the most recent update, (i.e. 2000-2003).

COPYRIGHT OWNER'S NAME - This may only be one person, or it may be a collective, a band, group or team. If there is one person who owns the rights to a work, then his/her name will appear on its own. If your work is owned by several people, then you may choose to include the name of each member of the collective, or include the name of the collective itself. This would give your copyright notice the following appearance: **Copyright © 2000 Bobby Smith.**

TITLE OF THE WORK (Optional) - You may wish to include this if you have several small works under one title. You can put either the overall title of the work or the title of the smaller work in the notice. The title is normally placed at the beginning. This would give your copyright notice the following appearance: 'Title of work' Copyright © 2000 Bobby Smith.

Phonogram copyright in sound recordings '(p)' - Sound recordings have a copyright separate from the underlying musical composition, and a sound recording should carry a phonogram copyright notice (denoted by the P in a circle) for the recording itself. The standard '©' notice should also be used, but in the case of sound recordings this is used to protect the cover design, lyric sheets or other printed material included with the sound recording. In our example, this would give the appearance of the notice as **Copyright © 2000 Bobby Smith, (p) 2000 Bobby Smith.** On most computers the (p) symbol can be found within the 'webdings' font.

The information you have read so far gives you the minimum that both the Universal Copyright Convention and the UK Copyright Service suggest you include in your copyright notice. You may wish to further increase your notice in order to maximise its use. To do this, you should include a disclaimer

What is a disclaimer? A disclaimer states the terms under which the work may be used and gives information relating to what the copyright owner believes to be a breach of his/her/their copyright. In some cases you may wish to permit certain activities, in others you may wish to withhold all rights, or require the user to apply for a licence to carry out certain actions. The disclaimer should appear as a sentence the copyright notice.

Using disclaimers - There are several items to think about when wording your disclaimer. Decide in relation to your work, what you wish to permit. Be specific in your wording; make it clear what you will allow and what is prohibited. Probably the best starting place is to think from the point of view of withholding all rights and then carefully word any allowances as exceptions, making sure it is clear that these are the only allowances you will make. Here are some areas to consider:

COPYING, DUPLICATION, REPRODUCTION: This is the right to produce a copy of the work. Do you wish certain groups to be able to copy your work? If so, what terms would you attach?

SELLING & HIRING: Normally this would be expressly forbidden without the copyright holders consent.

DISTRIBUTION: You may for example have written a shareware program which you will allow to be duplicated and distributed freely so long as you are identified as the author.

COMMERCIAL, PERSONAL, EDUCATIONAL: Will you allow your work to be used differently by certain groups or individuals? For example, perhaps you want to allow copying for private use but not for commercial gain.

LICENCES: For software, commercial and educational documents in particular, the copyright disclaimer may carry information about obtaining a licence to reproduce the

work. By not obtaining a licence, use of the work may be considered in breach of copyright.

RIGHT TO BE IDENTIFIED AS THE AUTHOR. If for example, the work is distributed without your control, you will wish to ensure that you are still identified as the author/copyright owner.

Copyright is not normally infringed by acts done in the course of private research or study, criticism or news reporting.

Examples of disclaimer statements

'All rights reserved' - A simple 'cover all' statement. This is the most commonly used copyright disclaimer, and perhaps the clearest, and covers most eventualities.

'Any unauthorised broadcasting, public performance, copying or re-recording will constitute an infringement of copyright' - Another 'cover all' statement, this one is designed for use on sound recordings, but can easily be adapted to apply to other types of work. The wording makes it clear that the copyright on the work is taken very seriously. For maximum effect you can combine (a) and (b).

'Permission granted to reproduce for personal and educational use only. Commercial copying, hiring, lending is prohibited.' - This is similar to the one used on this information sheet. We are happy for this leaflet to be reproduced for private or educational use, but would expect royalties in the event that a commercial organisation used this for profit. For businesses and organisations this kind of disclaimer is of mutual benefit as allowing reproduction may help to promote their message.

'May be used free of charge. Selling without prior written consent prohibited. Obtain permission before redistributing. In all cases copyright notice/disclaimer must remain intact' - This is the type of disclaimer often used for software distributed as freeware or shareware. By specifying that the copyright notice remains intact, you ensure that all copies will identify you as the author.

Remember, disclaimers are straightforward statements, there is no need to get tied up with legal jargon - the point is to state your wishes clearly and succinctly.

Additional deterrent against infringement

Notice of Registration - UKCS clients are also permitted to state on their work is registered with the UK Copyright Service. This is an additional deterrent against infringement. By displaying the notice, you demonstrate that you are aware of your rights, that you take copyright seriously, and that you have very strong evidence with which to pursue a case if your work is infringed. The notice would normally appear next to or below the copyright notice and disclaimer and state. *"This work is registered with the UK Copyright Service."* You may also include your registration number if you wish. Registered images for your work can also be obtained from our web site at www.copyrightservice.co.uk/images/

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